

Calendar No. 662

107TH CONGRESS
2^D SESSION**S. 2823**

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

IN THE SENATE OF THE UNITED STATES

JULY 30, 2002

Mr. AKAKA (for himself and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 8, 2002

Reported by Mr. BINGAMAN, without amendment

A BILL

To amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. JUDICIAL STRUCTURE OF GUAM.**

4 (a) JUDICIAL AUTHORITY; COURTS.—Section 22(a)
5 of the Organic Act of Guam (48 U.S.C. 1424(a)) is
6 amended to read as follows:

1 “(a)(1) The judicial authority of Guam shall be vest-
 2 ed in a court established by Congress designated as the
 3 ‘District Court of Guam’, and a judicial branch of Guam
 4 which branch shall constitute a unified judicial system and
 5 include an appellate court designated as the ‘Supreme
 6 Court of Guam’, a trial court designated as the ‘Superior
 7 Court of Guam’, and such other lower local courts as may
 8 have been or shall hereafter be established by the laws of
 9 Guam.

10 “(2) The Supreme Court of Guam may, by rules of
 11 such court, create divisions of the Superior Court of Guam
 12 and other local courts of Guam.

13 “(3) The courts of record for Guam shall be the Dis-
 14 trict Court of Guam, the Supreme Court of Guam, the
 15 Superior Court of Guam (except the Traffic and Small
 16 Claims divisions of the Superior Court of Guam) and any
 17 other local courts or divisions of local courts that the Su-
 18 preme Court of Guam shall designate.”.

19 (b) JURISDICTION AND POWERS OF LOCAL
 20 COURTS.—Section 22A of the Organic Act of Guam (48
 21 U.S.C. 1424–1) is amended to read as follows:

22 “SEC. 22A. (a) The Supreme Court of Guam shall
 23 be the highest court of the judicial branch of Guam (ex-
 24 cluding the District Court of Guam) and shall—

1 “(1) have original jurisdiction over proceedings
2 necessary to protect its appellate jurisdiction and su-
3 pervisory authority and such other original jurisdic-
4 tion as the laws of Guam may provide;

5 “(2) have jurisdiction to hear appeals over any
6 cause in Guam decided by the Superior Court of
7 Guam or other courts established under the laws of
8 Guam;

9 “(3) have jurisdiction to issue all orders and
10 writs in aid of its appellate, supervisory, and original
11 jurisdiction, including those orders necessary for the
12 supervision of the judicial branch of Guam;

13 “(4) have supervisory jurisdiction over the Su-
14 perior Court of Guam and all other courts of the ju-
15 dicial branch of Guam;

16 “(5) hear and determine appeals by a panel of
17 three of the justices of the Supreme Court of Guam
18 and a concurrence of two such justices shall be nec-
19 essary to a decision of the Supreme Court of Guam
20 on the merits of an appeal;

21 “(6) make and promulgate rules governing the
22 administration of the judiciary and the practice and
23 procedure in the courts of the judicial branch of
24 Guam, including procedures for the determination of
25 an appeal en banc; and

1 “(7) govern attorney and judicial ethics and the
2 practice of law in Guam, including admission to
3 practice law and the conduct and discipline of per-
4 sons admitted to practice law.

5 “(b) The Chief Justice of the Supreme Court of
6 Guam—

7 “(1) shall preside over the Supreme Court un-
8 less disqualified or unable to act;

9 “(2) shall be the administrative head of, and
10 have general supervisory power over, all depart-
11 ments, divisions, and other instrumentalities of the
12 judicial branch of Guam; and

13 “(3) may issue such administrative orders on
14 behalf of the Supreme Court of Guam as necessary
15 for the efficient administration of the judicial branch
16 of Guam.

17 “(c) The Chief Justice of the Supreme Court of
18 Guam, or a justice sitting in place of such Chief Justice,
19 may make any appropriate order with respect to—

20 “(1) an appeal prior to the hearing and deter-
21 mination of that appeal on the merits; or

22 “(2) dismissal of an appeal for lack of jurisdic-
23 tion or failure to take or prosecute the appeal in ac-
24 cordance with applicable laws or rules of procedure.

1 “(d) Except as granted to the Supreme Court of
2 Guam or otherwise provided by this Act or any other Act
3 of Congress, the Superior Court of Guam and all other
4 local courts established by the laws of Guam shall have
5 such original and appellate jurisdiction over all causes in
6 Guam as the laws of Guam provide, except that such juris-
7 diction shall be subject to the exclusive or concurrent ju-
8 risdiction conferred on the District Court of Guam under
9 section 22 of this Act.

10 “(e) The qualifications and duties of the justices and
11 judges of the Supreme Court of Guam, the Superior Court
12 of Guam, and all other local courts established by the laws
13 of Guam shall be governed by the laws of Guam and the
14 rules of such courts.”.

15 (c) TECHNICAL AMENDMENTS.—(1) Section 22C(a)
16 of the Organic Act of Guam (48 U.S.C. 1424–3(a)) is
17 amended by inserting “which is known as the Supreme
18 Court of Guam,” after “appellate court authorized by sec-
19 tion 22A(a) of this Act,”.

20 (2) Section 22C(d) of the Organic Act of Guam (48
21 U.S.C. 1424–3(d)) is amended—

22 (A) by inserting “, which is known as the Su-
23 preme Court of Guam,” after “appellate court pro-
24 vided for in section 22A(a) of this Act”; and

1 (B) by striking “taken to the appellate court”
2 and inserting “taken to such appellate court”.

3 **SEC. 2. APPEALS TO UNITED STATES SUPREME COURT.**

4 Section 22B of the Organic Act of Guam (48 U.S.C.
5 1424–2) is amended by striking “: *Provided*, That” and
6 all that follows through the end and inserting a period.

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